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IN THE COURT OF COMMON PLEAS
MONTGOMERY COUNTY, OHIO

STATE OF OHIO, ex rel.
LEE FISHER, Attorney
General of Ohio

Plaintiff,

vs.

DAYTON ELECTROPLATE, INC.,
et al.

Defendants.

CASE NO. 94-0518
(JUDGE GORMAN)

DEFENDANTS' AMENDED ANSWER

Now comes Defendants, Dayton Electroplate, Inc., Charles J. Borum, and Paul W. Borum, by and through their counsel, and answer the Complaint filed herein as follows:

First Defense

1. Defendants admit the allegations set forth in paragraphs 1 through 4 inclusive of the Complaint.
2. Defendant Dayton Electroplate, Inc. admits the allegations set forth in paragraphs 8 through 10 inclusive, as such apply to said Defendant; but Defendants Charles J. Borum and Paul W. Borum deny said allegations as such apply to them individually.
3. Defendants deny paragraphs 6, 11, 12, 15, 16, 18, 19, 21, 22, 24, 25, 27, 28, 30, 31, 33, 34, 36, 37, 39, 40, 42, 43, 45 and 46 of the Complaint.
4. With respect to paragraphs 14, 17, 20, 23, 26, 29, 32, 35, 38, 41 and 44 of the Complaint, Defendants state that the statutes and regulations cited and summarized in said paragraphs as interpreted by the courts, speak for themselves. To the extent that the summaries of said statutes and regulations conflict with the law, such summaries are denied.

5. With respect to paragraphs 5 and 7 of the Complaint, Defendants admit the allegations of said paragraphs with regard to Defendants Dayton Electroplate, Inc. and Charles J. Borum, but deny each and every allegation therein with regard to Defendant Paul W. Borum.

6. As to paragraph 13 of the Complaint, Defendants admit, deny or otherwise answer the allegations of paragraphs 1 through 12 incorporated into each count of the Complaint, as set forth above, as if fully restated for each Count of the Complaint.

Second Defense

7. Defendants allege that the Complaint fails to state a claim against them upon which relief can be granted.

Third Defense

8. With regard to Defendant Paul W. Borum, Defendants aver that he was at no time a person who could be held responsible for any of the allegations of this Complaint.

Fourth Defense

9. At no time material to this Complaint have Defendants acted, or failed to act, in such a manner as to warrant the relief sought by Plaintiff herein.

Fifth Defense

10. The failure of the Ohio Environmental Protection Agency and/or Plaintiff to promptly act in response to Defendants Dayton Electroplate, Inc. and Charles J. Borum's good faith attempts to resolve the disputes related to this Complaint induced said Defendants to act, or fail to act, to their detriment; and said delays have prejudiced Defendants.

PICKREL, SCHAEFFER & EBELING
CO., L.P.A.

By: Mary M. Biagioli
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